

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

Case # 15-CR-156-FPG

v.

DECISION AND ORDER

JUSTIN VAZQUEZ,

Defendant.

INTRODUCTION

Defendant Justin Vazquez (“Defendant”) filed a *pro se* application on March 8, 2017 for reconsideration of release pending sentencing. ECF No. 103. Defendant was convicted for being a felon in possession of a firearm on February 3, 2017 after a jury trial. ECF No. 97. This matter is scheduled for sentencing on May 11, 2017. ECF No. 96. Defendant’s application alleges that he should be released because his grandmother is terminally ill.

DISCUSSION

The United States Code provides that a judicial officer shall order a person who has been found guilty of an offense and who is awaiting sentencing detained unless he or she finds by clear and convincing evidence that the person is unlikely to flee or pose a danger to the safety of any other person or the community. 18 U.S.C. § 3143(a)(1).

Defendant was convicted of possession of a weapon as a convicted felon. More importantly, Defendant’s mother reported in this case that Defendant held her and other family members hostage for days and threatened to shoot them. Thus, the Court finds that Defendant would clearly present a danger to the community if he were released.

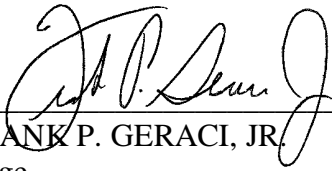
Additionally, although the federal sentencing guidelines suggest a sentence of 21 to 27 months of incarcerations, those guidelines are merely advisory. Based on the fact that Defendant was convicted after a trial and was not subject to any plea agreement, there are many sentencing options available to the Court, including imposing the maximum period of imprisonment.

CONCLUSION

Defendant's application for release (ECF No. 103) is DENIED. The Court does not object to Defendant applying through his attorney to the United States Marshal's Service to allow him a compassionate visit to his ailing grandmother.

IT IS SO ORDERED.

Dated: March 27, 2017
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court